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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA) Case No. 2:13-cr-004-APG-GWF
10)
11 Plaintiff,) **MOTION AND ORDER FOR DISMISSAL**
12 vs.)
13 ALEX ARISTIDES MENENDEZ-JACO,) **O R D E R**
14)
15 Defendant.)

16 COMES NOW, the United States of America, by and through Daniel G. Bogden, United
17 States Attorney, and Robert A. Bork, Assistant United States Attorney, and moves to dismiss the
18 Indictment based upon recent decisions by the Ninth Circuit Court of Appeals United States v.
19 Chandler, ____ F.3d ____, 2014 U.S. App. 3160 (Feb. 20, 2014) and United States v. Garcia-
20 Santana, ____ F.3d ____, 2014 U.S. App. 3161 (Feb. 20, 2014) which the government concedes
21 reject the legal basis of the Magistrate Judge's Report and Recommendation to deny defendant's
22 Motion to Dismiss the Indictment.
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27 . . .

1 Accordingly, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by
2 leave of Court endorsed hereon, the United States for the District of Nevada hereby dismisses the
3 Indictment filed on January 2, 2013, as against ALEX ARISTIDES MENENDEZ-JACO.

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5 DATED this 24th day of February, 2014.

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7 DANIEL G. BOGDEN
8 United States Attorney

9 /s/ Robert A. Bork

10 ROBERT A. BORK
11 Assistant United States Attorney

12 Leave of Court is granted for the filing of the foregoing dismissal.

13 DATED this 25th day of February, 2014.

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15 _____
16 UNITED STATES DISTRICT JUDGE